

REMARKS

I. Status of the Application

Claims 3, 6-9, 11, 14, 17-20 and 22-30 are all the claims pending in the application, with claims 3, 8, 14 and 19 being in independent form. Claims 3, 6-9, 11, 14, 17-20, and 22-25 have been rejected.

II. Claim Rejections Under 35 U.S.C. § 103

Claims 3, 6-9, 11, 14, 17-20, and 22-25 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Abraham in view of Nickles, both of which are previously of record. Claims 4, 5, 15, and 16 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Abraham in view of Engel. The Applicant respectfully traverses these rejections for at least the reasons below.

Claim 3 now recites, *inter alia*, “wherein said rule is that whether a total time of continuously receiving packets meeting said monitoring parameter in said interval is over said predetermined time, or said rule is that whether a total number of continuously receiving packets meeting said monitoring parameter in said interval is over said predetermined number.” This amendment is supported at least by lines 6-9 of the specification and in Fig. 3 in the first and second drawings from the top of that figure.

The Examiner alleges that Abraham discloses the analyzer which analyzes whether there is any rule in said interval and whether said interval exceeds said threshold parameter, citing column 11, lines 53-64. The Examiner also alleges that the annunciator makes annunciation to

said end-user when said analyzer judges that there is a certain rule in said interval and that said interval exceeds said threshold parameter, citing column 13 lines 53-60. However, regarding the "interval" in column 11, lines 55-59, Abraham states that "quotas can be set specifying how many megabytes of data can be transmitted and received by any user during any given time period. In the actual embodiment of the present invention described herein, this time period is twenty-four hours." Abraham only discloses determining how much data was transmitted and received during a predetermined time of twenty-four hours.

Thus, in Abraham, it is not possible to prevent a user from paying an improper service fee or communication fee which is caused by mechanically counting of data in a measured rate fee system. In contrast, amended Claim 3 determines, amongst other things, "whether a total time of continuously receiving packets meeting said monitoring parameter in said interval is over said predetermined time", or "whether a total number of continuously receiving packets meeting said monitoring parameter in said interval is over said predetermined number". Abraham does not disclose this feature of claim 3. Accordingly, even if the teachings of Abraham are combined with Nickles, as asserted in the Office Action, the combination would not include all the elements of the claim.

Therefore, Applicant submits that claim 3 is patentable over the cited references, and any combination thereof, for *at least* the reasons above.

With regards to claims 4-5 and 15-16, the Examiners rejections are now moot as these claims have been canceled.

AMENDMENT UNDER 37 C.F.R. § 1.116
U.S. Application No. 09/788,566

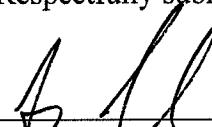
Attorney Docket No. Q63195

Applicant submits that the dependent claims 6-7 and 25-30 are patentable *at least* by virtue of their dependencies. Independent claims 8, 14 and 19 recite similar features to claim 3 and, therefore, are patentable for *at least* reasons analogous to those presented above. Applicant also submits that claims 9, 11, 17-20 and 22-24 are patentable *at least* by virtue of their respective dependencies.

Accordingly, Applicant respectfully requests that the Examiner withdraw these rejections and permit these claims to allowance.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,


Ayan M. Afridi
Registration No. 63,444

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

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